

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May. 24, 2005

ALL COUNTY LETTER NO. 05-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD CARE COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: LICENSED CHILD CARE PROVIDERS WHOSE LICENSE HAS BEEN
PLACED ON A TEMPORARY SUSPENSION ORDER (TSO), REVOCATION,
OR PROBATION

REFERENCE: ASSEMBLY BILL (AB) 72, CHAPTER 358, STATUTES OF 2004
EDUCATION CODE, SECTIONS 8212 and 8226

PURPOSE:

This purpose of this letter is to inform county welfare departments (CWDs) of provisions in AB 72 which amended Sections 8212 and 8226 of the Education Code. The California Department of Social Services (CDSS) is in the process of amending the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care regulations to reflect the applicable changes.

BACKGROUND:

Current law requires CDSS to notify Resource and Referral agencies (R&Rs) of the issuance of a revocation or a TSO for a licensed child care provider. AB 72 places additional notification and time frame requirements on CDSS. Effective January 1, 2005, CDSS is required to notify R&Rs within two business days of the issuance of a TSO or the revocation or placement on probation of a license for a child care provider within the R&Rs jurisdiction.

AB 72 amended Sections 8212 and 8226 of the Education Code which affect R&Rs, CWDs and Alternative Payment Programs (APPs). These amendments require R&Rs to remove from their referral list within two business days of receiving notice any licensed child care provider with a revocation, TSO, or that is on probation. In addition, R&Rs must notify CWDs and APPs within two business days of receiving notice of any licensed child care provider with a revocation, TSO, or that is on probation.

The new law requires CWDs and APPs to terminate payment to the child care provider within two business days of receiving notice that their license has been revoked or placed on TSO. In addition, CWDs and APPs are required to notify the parents and the

child care provider of the reason for the termination within two business days of receiving notice.

Child care providers who have been placed on probation will continue to receive payment; however, CWDs and APPs are required to notify the parents within two business days that their child care provider has been placed on probation. Parents have the option to locate alternate child care arrangements or may remain with the provider without risk of subsidy payments to the provider being terminated.

IMPLEMENTATION INSTRUCTIONS:

Revocation or TSO

Effective immediately, when CWDs are notified by the R&Rs that a licensed child care provider's license has been revoked or a TSO issued, CWDs must do the following within two business days:

1. Terminate payment to the licensed child care provider as of the effective date of the TSO or license revocation;
2. Notify the parents and the licensed child care provider in writing that the payment has been terminated and the reason for the termination; and
3. Inform the parents that their eligibility for subsidized child care continues without interruption.

Probationary Notice

Effective immediately, when CWDs are notified by the R&Rs that a licensed child care provider has been placed on probation, CWDs must do the following within two business days:

1. Notify the parents in writing that the licensed child care provider they are utilizing has been placed on probation;
2. Notify the parents that they have an option to locate alternative child care arrangements or may remain with the provider without risk of subsidy payments being terminated; and
3. Notify all parents utilizing providers already on probation prior to January 1, 2005, according to the provisions above.

In addition, counties should make every effort to assist families in obtaining a new child care provider, when appropriate, to ensure continued participation in welfare to work activities or employment to help recipients achieve self-sufficiency.

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If you have any questions regarding this ACL, please contact Susan Durkee of the Child Care Programs Bureau at (916) 657-2144.

Sincerely,

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Enclosure

c: CWDA
CSAC